

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anastasia Bakas,

Plaintiff,

Civ. No. 09-1263 (RHK/SRN)
ORDER

v.

Ameriprise Financial Services, Inc., *et al.*,

Defendants.

This matter is before the Court *sua sponte*.

Defendant Ameriprise has filed a Motion to Compel Arbitration or, in the alternative, to Dismiss Plaintiff's Complaint. In her Memorandum in Opposition to the Motion, Plaintiff has argued that arbitration is improper because Ameriprise is a member of the Financial Industry National Regulatory Authority ("FINRA"), and FINRA rules prohibit arbitration of disputes such as this one. In its Reply, Ameriprise responds that the instant dispute falls outside the FINRA rule precluding arbitration because Plaintiff's claims arise out of financial advice it provided to her in its capacity as an investment adviser, and FINRA has no authority to regulate the activities of investment advisers.

In order to give Plaintiff an opportunity to address this argument in advance of the hearing on the Motion, **IT IS ORDERED** that Plaintiff may serve and file a Surreply, *limited to the issue discussed above*, on or before Friday, August 28, 2009. The Surreply

shall be no longer than five pages and shall be formatted in the same fashion (font size, spacing, etc.) as Plaintiff's previously filed Memorandum in Opposition.

Dated: August 24, 2009

s/Richard H. Kyle

RICHARD H. KYLE

United States District Judge